

THE HONORABLE JUDGE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DOUGLAS WOOD and SANDRA KARLSVIK,
husband and wife,

Plaintiffs,

-vs-

KITSAP COUNTY; WEST SOUND NARCOTICS
ENFORCEMENT TEAM; OFFICER MATTHEW
DOUGIL (WestNET); GIG HARBOR POLICE
DEPARTMENT; DETECTIVE JOHN DOE
SCHUSTER (WestNET) DETECTIVE JOHN
HALSTED (POULSBO POLICE DEPT. WestNET,
Badge #606); DETECTIVE G.R. MARS (WSP
STATEWIDE INCIDENT RESPONSE TEAM,
Badge #685); DETECTIVE JOHN DOE WILSON
and JOHN DOES 1-25,

Defendants.

NO. C05-5575RBL

ANSWER OF DEFENDANT
KITSAP COUNTY

COMES NOW the Defendant, KITSAP COUNTY, by and through its attorney, IONE S.

GEORGE, Deputy Prosecuting Attorney for Kitsap County, and by way of answer to Plaintiff's

ANSWER OF DEFENDANT KITSAP COUNTY -- 1

RUSSELL D. HAUGE
Kitsap County Prosecuting Attorney
614 Division Street, MS-35A
Port Orchard, WA 98366-4676
(360) 337-4992 Fax (360) 337-7083

1 Complaint filed herein, admits, denies, and alleges as follows:

2 **I. JURISDICTION AND VENUE**

3 1.1 Paragraph 1.1 states a legal conclusion(s) for which no answer is required. To the
4 extent an answer is deemed required, defendant Kitsap County admits that this court has jurisdiction
5 over this matter, and denies that jurisdiction is pursuant to 28 USC §1332.
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7 1.2 Admit that Kitsap County is located within in the judicial district of the United States
8 District Court Western District of Washington at Tacoma. Defendant Kitsap County is without
9 sufficient information to either admit or deny the remaining allegations contained in paragraph 1.2 of
10 the Complaint and therefore denies the same.
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12 **II. PARTIES**

13 2.1. Defendant Kitsap County is without sufficient information to either admit or deny the
14 allegations contained in paragraph 2.1 of the Complaint and therefore denies the same.
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16 2.2 Deny that the individually named defendants were police officers employed by
17 defendant Kitsap County. Defendant Kitsap County is without sufficient information to either admit or
18 deny the remaining allegations contained in the first sentence paragraph 2.2 of the Complaint, and
19 therefore denies the same. The second sentence of paragraph 2.2 contains a term that is not defined
20 and/or is ambiguous, such that defendant Kitsap County has insufficient information to either admit or
21 deny the allegations contained therein, and therefore denies the same.
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23 2.3 Defendant Kitsap County admits that Kitsap County is a municipal corporation
24 existing under the laws of the State of Washington.
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26 2.3 Defendant Kitsap County admits that Defendant West Sound Narcotics Enforcement
27 Team (WestNET) is a multi-jurisdictional Drug Task Force that is not a legal entity and is not subject
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1 to suit. Admit the allegations contained in the second sentence of paragraph 2.4 of the Complaint.

2 2.5 The first sentence of paragraph 2.5 states a legal assertion for which no answer is
3 required. Defendant Kitsap County is without sufficient information to either admit or deny the
4 remaining allegations contained in paragraph 2.5 of the Complaint, and therefore denies the same.
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6 2.6 Deny.

7 2.7 Defendant Kitsap County is without sufficient information to either admit or deny the
8 allegations contained in paragraph 2.7 of the Complaint, and therefore denies the same,
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10 2.8 Deny.

11 III. FACTUAL ALLEGATIONS

12 3.1 Deny.

13 3.2 Deny that defendant Kitsap County took part in a raid. Defendant Kitsap County is
14 without sufficient information to either admit or deny the remaining allegations contained in paragraph
15 3.2 of the Complaint, and therefore denies the same.
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17 3.3 Deny.

18 3.4 Deny.

19 3.5 Deny that defendant Kitsap County took part in a raid. Defendant Kitsap County is
20 without sufficient information to either admit or deny the remaining allegations contained in paragraph
21 3.5 of the Complaint, and therefore denies the same.
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23 3.6 Defendant Kitsap County is without sufficient information to either admit or deny the
24 allegations contained in paragraph 3.6 of the Complaint, and therefore denies the same.
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26 3.7 Defendant Kitsap County is without sufficient information to either admit or deny the
27 allegations contained in paragraph 3.7 of the Complaint, and therefore denies the same.
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1 3.8 Defendant Kitsap County is without sufficient information to either admit or deny the
2 allegations contained in paragraph 3.8 of the Complaint, and therefore denies the same.

3 3.9 Defendant Kitsap County is without sufficient information to either admit or deny the
4 allegations contained in paragraph 3.9 of the Complaint, and therefore denies the same.

5 3.10 Defendant Kitsap County is without sufficient information to either admit or deny the
6 allegations contained in paragraph 3.10 of the Complaint, and therefore denies the same.

7 3.11 Defendant Kitsap County is without sufficient information to either admit or deny the
8 allegations contained in paragraph 3.11 of the Complaint, and therefore denies the same.

9 3.12 Defendant Kitsap County is without sufficient information to either admit or deny the
10 allegations contained in paragraph 3.12 of the Complaint, and therefore denies the same.

11 3.13 Defendant Kitsap County denies that it committed the acts alleged in paragraph 3.13 of
12 the Complaint.

13 3.14 Defendant Kitsap County denies that it committed the acts alleged in paragraph 3.14 of
14 the Complaint.

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18 **IV. FIRST CAUSE OF ACTION – VIOLATION OF CIVIL RIGHTS**

19 4.1 Defendant Kitsap County incorporates by reference and reasserts all answers previously
20 made to paragraphs 1.1 through 3.14 of the Complaint.

21 4.2 The first sentence of paragraph 4.2 of the Complaint states a legal assertion for which
22 no answer is required. To the extent an answer is deemed required, Defendant Kitsap County denies
23 the same. Defendant Kitsap County denies the remaining allegation against it as contained in
24 paragraph 4.2 of the Complaint.
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4.3 Admit that actions, if any, by defendant Kitsap County were done under color of state law.

4.4 Paragraph 4.4 of the Compliant states a legal assertion for which no answer is required. To the extent an answer is deemed required, Defendant Kitsap County denies the allegation against it as contained in paragraph 4.4 of the Complaint.

4.5 Defendant Kitsap County denies the allegation against it as contained in paragraph 4.5 of the Complaint.

V. DAMAGES

5.1 Defendant Kitsap County is without sufficient information to either admit or deny the allegations contained in paragraph 5.1 of the Complaint, and therefore denies the same.

5.2 Defendant Kitsap County is without sufficient information to either admit or deny the allegations contained in paragraph 5.2 of the Complaint, and therefore denies the same.

5.3 Defendant Kitsap County is without sufficient information to either admit or deny the allegations contained in paragraph 5.3 of the Complaint, and therefore denies the same.

5.4 Paragraph 5.4 of the Complaint sets forth a legal assertion for which no answer is required. To the extent an answer is deemed required, Defendant Kitsap County denies the same.

Defendant Kitsap County is without sufficient information to either admit or deny the remaining allegations contained in paragraph 5.4, and therefore denies the same.

5.5 Deny.

VI. PRAYER FOR JUDGMENT

A. Deny that plaintiffs are entitled to relief sought.

B. Deny that plaintiffs are entitled to relief sought.

1 C. Deny that plaintiffs are entitled to relief sought.

2 D. Deny that plaintiffs are entitled to relief sought.

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4 **VII. DEMAND FOR JURY TRIAL**

5 In response to paragraph VII of the Complaint, no answer is required.

6 Defendant denies all other allegations contained in the Complaint for Damages.

7 WHEREFORE, having fully answered Plaintiff's Complaint, Defendant alleges as follows:

8 1. Public Duty Doctrine: Defendant alleges that under the public duty doctrine there is no
9 duty owed to the Plaintiffs and that Defendant is therefore not liable to the Plaintiffs as a matter of law.

10 2. Contributory Negligence: Plaintiffs' injuries or damages, if any, which are not
11 admitted, but are expressly denied, were proximately caused, in whole or in part, by Plaintiffs' own
12 conduct and/or actions.

13 3. Assumption of the Risk: Defendant alleges that injuries and damages, if any, claimed
14 by the Plaintiffs herein arise out of the condition which Plaintiffs had knowledge and to which
15 Plaintiffs voluntarily subjected herself.

16 4. Reasonable Exercise of Discretion and Judgment: All actions herein alleged against
17 Defendant manifests a reasonable exercise of judgment and discretion authorized to public officers in
18 the exercise of governmental authority entrusted to them by law, and are neither tortuous nor
19 actionable.

20 5. Good Faith: Defendant acted in good faith.

21 6. Failure to State a Claim: Plaintiffs' Complaint, in whole or in part, fails to state a claim
22 upon which relief may be granted.

23 7. Failure to Mitigate: Plaintiffs have failed to mitigate their damages, if any.

1 8. Statue of Limitations.

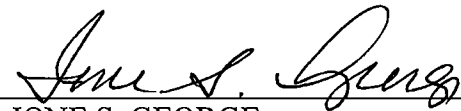
2 9. Reservation of Rights: Defendant reserve the right to assert additional affirmative
3 defenses as established by the facts in this case.
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5 WHEREFORE, Defendant prays for the following relief:

- 6 1. That Plaintiff's Complaint be dismissed with prejudice and plaintiff takes nothing thereby.
7 2. For judgment against the plaintiff in favor of the defendant for attorneys' fees and costs.
8 3. For other relief as the court deems just and equitable.
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10 DATED this 29th day of November, 2005.

11 RUSSELL D. HAUGE
12 Kitsap County Prosecuting Attorney

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15 IONE S. GEORGE
16 WSBA No. 18236
17 Deputy Prosecuting Attorney
18 Attorney for Defendant Kitsap County
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DECLARATION OF SERVICE

I hereby certify that on November 29, 2005, I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system which will send notification of such filing to the following:

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EXECUTED this 29th day of November, 2005, at Port Orchard, Washington.



SHELLEY L. SOLIE
Legal Assistant

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